



Legal Division

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DATE: February 2, 2007

PLEASE PROMPTLY DELIVER THE FOLLOWING PAGE(S) TO:

NAME: Examiner
FAX NUMBER: 571-273-8300
FROM: Elsa Djuardi
RE: PC22039A

TOTAL NUMBER OF PAGES, INCLUDING THIS PAGE: 6

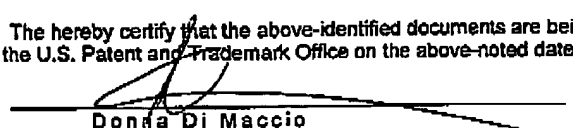
MESSAGE:

Transmitted herewith is the following:

- | | | |
|----|---------------------------------------|--------|
| 1. | Proof of Non-Receipt of Office Action | 2 pgs; |
| 2. | Patent Data | 3 pgs. |

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Donna Di Maccio

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PC22039A

Memo to File re: PROOF OF NON-RECEIPT OF OA

Certificate of Mailing (37 C.F.R. §1.8):

I hereby certify that this correspondence is being sent via facsimile to the Examiner (facsimile No. 571-273-8300) on this 2nd day of February 2007.

s/

Donna Di Maccio

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:
Anthony David Auffret, et al.

Serial No.: 10/601,355

Confirmation No: 7465

Filed: June 23, 2003

For: PROCESS FOR CONTROLLING THE
HYDRATE MIX OF A COMPOUND

Group Art Unit: 1751

Examiner: CHUNG, SUSANNAH LEE

PROOF OF NON-RECEIPT OF OFFICE ACTION AND REQUEST TO RESET THE CLOCK

Commissioner for Patents
Attention: Examiner Patricia L. Morris Art Unit 1625
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madame:

Applicants' attorney received a phone call today (February 2nd, 2007) from the United States Patent and Trademark Office (USPTO) for the above-identified application, specifically from Ms. Brenda Gray. Prior to that, Examiner Chung has called the Applicants' attorney regarding the undelivered mail. Applicants' attorney thanks the Examiner and Ms. Gray for calling and bringing this to the attention of Applicants' attorney.

Ms. Gray has suggested that Applicants' attorney submits a proof of non-receipt of the office action to reset the 6 month period for reply to the action. Applicants' attorney has standard mail handling and docketing procedures in place for correspondence received from the Patent and Trademark Office. According to those procedures, mail received by applicants' attorney is opened, sorted and date stamped by a docket clerk. The docket clerk then forwards PTO correspondence to a Patent Docket Administrator (PDA) for handling. The PDA enters the date the correspondence was mailed by the PTO and any due date in a computerized docket management system. The PDA then places both his initials and those of

Memo to file re: non-receipt of office action
PC22039A
Page 2 of 3

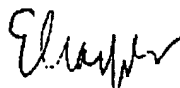
the attorney responsible for prosecution of the application on the correspondence. The PDA then forwards the correspondence to the attorney responsible for prosecuting the application.

Applicants' attorney never received the Office Action in Pfizer's patent folder for the subject application. Applicants' attorney hereby submits a printout of the electronic record from the computerized docketing management system (3 pages). Page 2 of 3 of the printout has the docket history for this application commencing with its filing on June 23, 2003 (see "application mailed" under the heading "Action"). The last entry under the heading "Action" is "response to office action" and an internal docketing to remind the attorney completed on June 12, 2006. No entry is present for the receipt of the Office Action on the printout from attorneys' electronic record for the subject application. Applicants' attorney was unaware of the receipt of the Office Action and had not intended for the application to go abandoned.

Applicants' attorney respectfully submits that the entire delay in responding to the Office Action of Application from its mailing date on July 31, 2006 through present was unintentional and due solely to the non-receipt of the action. Applicants' attorney respectfully requests that the office action be resent and the 6-month response period be restarted.

Respectfully submitted,

Date: February 2, 2007



Elsa Djuardi, Ph.D.
Attorney for Applicant
Reg. No. 45,963

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Patent Department
10555 Science Center Drive
San Diego, CA 92121
Tel: 858-638-6117
Fax: 858-678-8233



Confidential

PC: 022039A, United States, Regular, National, NO
RELATIONSHIP

Patent Data

Docket Number	022039A	Attorney (Prosc.)	GRAHAM LANE
Country	United States	Agent (Out.Cnsl)	PFIZER INC
Case Type	Regular	Therapeutic Area	ANTIFUNGALS
Relation Type	NO RELATIONSHIP	Agency Atty	ELSA DJUARDI
Filing Type	National	Responsible Site	SANDWICH
Filing Number		Text #10	022039
Status	Filed	First Filing Date	16-Jul-2002
Sub Status	Published	Sub Status Date	12-Jun-2006
Parent Country	Great Britain	Parent Filing Date	
Parent Number		Parent Grant Date	
Application Number	10/601355	National Filing Date	
Patent Number		Parent Tax Base Date	
Publication Number	20040007689-A1	Parent Expiration Date	
Assigned / Licensed	Assignment Recorded	Application Date	23-Jun-2003
Convention Type	Paris Convention	Grant Date	
Division	PHARMACEUTICAL	Publication Date	15-Jan-2004
Current Owner	PFIZER INC.	Ind Claims-Designs	2
Originating Site	SANDWICH	Total Claims	20
Second Agent		Total Classes	
FF Coordinator	Helen M. Heath	Total Pages	
HH Therapeutic Area	INFECTIOUS DISEASES	Multiple Designs	
Legacy Code	Pfizer, Inc.	Designated States	
Maintenance Agent	MASTER DATA CENTER, INC.	Classification Number	
Previous Owner		Tax Base Date	
Original Owner		Next Tax Date	
Former Docket Nbr		Expiration Date	
Claims Type	Process	AgtRef/US Conf #	
Outside Counsel		102(e) Date	
2nd Thera Area		2nd Agent Ref #	
Drafting Attorney		Drafting Site	
Invention Type		Sheets of Figures	
Product/Candidate	FO5FLUCONAZOLE	FMR Docket Audit	
Patent Type	SYNTHETIC PROCESS	Candidate CMPD No	
		EPO Appi #	

Title

PROCESS OF CONTROLLING THE HYDRATE MIX OF A COMPOUND

Abstract

Notes

Patent-Tax Review

Current Expense Information

Other Case-Related Information

Filing Level

FamilyNumber	Filing Level	Decision Point	DecisionDate	File Level Notes	NCE
022039	HH Limited List	Attorney Spreadsheet	01-Mar-2005	Imported as Initial	
022039	HH Limited List	Portfolio Review	03-May-2006	Initial Notes: Reduce to Current HH Limited List After CrossU: Reduce to Current HH Limited List	

Actions

Action	Action Due Date	Mail Date	Deadline Date	Completed Date	Resp #1	Resp #2	Action Notes
FILING POSTCARD		09-Jul-2003					
ASSIGNMENT RECORDED		08-Aug-2003					
Application Mailed		23-Jun-2003		23-Jun-2003			
FILING POSTCARD		11-Aug-2003					
FILING RECEIPT RECEIVED		08-Sep-2003					
INFORMATION DISCLOSURE STATEMENT		29-Aug-2003					
FILE NON-PROVISIONAL U.S.	16-Jul-2003			23-Jun-2003	ELSA DJUARDI		
FILE ASSIGNMENT	01-Aug-2003			31-Jul-2003	ELSA DJUARDI		
PUBLISHED	16-Jan-2004			15-Jan-2004			
OFFICE ACTION		17-Dec-2004					
RESPONSE TO OFFICE ACTION	17-Mar-2005		17-Jun-2005	07-Mar-2005	ELSA DJUARDI		Mail date 12/17/2004 FILING POSTCARD RECEIVED 17MR2005
REPLY TO O/A	17-Mar-2005		17-Jun-2005	07-Mar-2005	MARC F. NEVANT		
OFFICE ACTION	02-Jun-2005			09-Jan-2006	GRAHAM LANE		
RESPONSE TO OFFICE ACTION	02-Sep-2005		02-Dec-2005	02-Sep-2005	TERRY M. SWARBRICK		OFC ACTION DATED 02JE2005
FILING POSTCARD		02-Sep-2005					
OFFICE ACTION		23-Nov-2005					
RESPONSE TO OFFICE ACTION	23-Dec-2005		23-May-2006	20-Jan-2006	ELSA DJUARDI		
PETITION FOR EXTENSION OF TIME				20-Jan-2006			
FILING POSTCARD		20-Jan-2006					
OFFICE ACTION		13-Mar-2006					
RESPONSE TO OFFICE ACTION	13-Jun-2006		13-Sep-2006	12-Jun-2006	ELSA DJUARDI		
RESP OA/AMEND INV7/SUBMIT ART	15-May-2006		21-May-2006	12-Jun-2006	TERRY M. SWARBRICK		

Inventors

Inventor Reel / Frames Internal / External Award #1 Award #2
AUFFRET ANTHONY D
FITZGERALD MICHAEL P
014353/0275

Special Text

Text Type	Text
PRODUCT PS2	UK-292663
Descriptive Title for PS2	lyophilisation process
Project Name	Disodiumphos-fluconazole (DSFF)
Primary Indication	Fungals
Chem/Bio Relation	Chemical
Project Status	Active
Project Stage	9B-Launched
Lead Attorneys	TMS/CV-B
Type of Case	PROC
Comments	

CreateUser: CEL

CreateDate: 11-Mar-2003

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UpdateUser: dbo

UpdateDate: 14-Jul-2006